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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,097	08/15/2001	Indermohan S. Monga	14984BAUS01U	1004
34845	7590	08/08/2006	EXAMINER	
McGUINNESS & MANARAS LLP			ALAM, UZMA	
125 NAGOG PARK			ART UNIT	PAPER NUMBER
ACTON, MA 01720			2157	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This action is responsive to the amendments filed July 14, 2006. Claims 1, 12, 24, and 31 are amended. Claims 1-12, 14-36 are pending. Claims 1-12, 14-36 represent a method for provisioning bandwidth.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 14-19 recites the limitation "as in Claim 13". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-12, 14-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Sistanizadeh et al. US Patent No. 6,681,232. Sistanizadeh teaches the invention as claimed including a method for provisioning bandwidth (see abstract).

As per claims 12 and 24 Sistanizadeh teaches the device comprising:

a user application requiring communication services from an optical communication network (column 7, lines 40-47); and

and optical service agent for providing bandwidth management services for the user application (optical service logic; Figure 2; column 5, lines 34-55); and

an optical service server operative to authenticate the user, obtain network topological information, and to employ the network topological information on behalf of the optical service agent for providing bandwidth management services such that the network topological information is not exposed to the user (provisioning service module, authenticates user and user has options to increase or decrease bandwidth, but the user does not access the network topology, the topology is accessed by the provisioning service module column 21, lines 15-63).

As per claims 1 Sistanizadeh teaches an optical service agent as in claim 12 for providing bandwidth management services for a user in an optical communication system, the optical service agent comprising:

a user-to-network interface (UNI) for interfacing with an optical communication network (column 7, lines 1-40);

a peer-to-peer interface for interfacing with peer users (personal computers; column 7, lines 1-40); and

optical service logic for interfacing with the optical communication network via the UNI and with the peer users via the peer-to-peer interface for providing said bandwidth management services for the user (SLM Application Server; column 5, lines 34-55; Figure 2); and

an optical service server operative to authenticate the user, obtain network topological information, and to employ the network topological information on behalf of the optical service agent for providing bandwidth management services such that the network topological information is not exposed to the user (provisioning service module, authenticates user and user has options to increase or decrease bandwidth, but the user does not access the network topology, the topology is accessed by the provisioning service module column 21, lines 15-63).

As per claim 31, Sistanizadeh teaches a method for managing bandwidth for a user in an optical communication system, the method comprising at least one of:

Monitoring bandwidth utilization by an optical service agent in the user on a connection in the optical communication system;

Controlling bandwidth utilization by an optical service agent in the user on a connection in the optical communication system;

Obtaining additional bandwidth by an optical service agent in the user on a connection in the optical communication system;

Relinquishing unused bandwidth by an optical service agent in the user on a connection in the optical communication system; and

Allocating bandwidth by an optical service agent in the user among multiple connections in the optical communication system (column 11, lines 34-64; column 15, lines 19-55; column 1, lines 45-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27; Figure 9);

Prior to which an optical service server executes the following steps:

authenticate the user, obtain network topological information, and to employ the network topological information on behalf of the optical service agent for providing bandwidth management services such that the network topological information is not exposed to the user (provisioning service module, authenticates user and user has options to increase or decrease bandwidth, but the user does not access the network topology, the topology is accessed by the provisioning service module column 21, lines 15-63).

As per claims 2, 14, and 25 Sistanizadeh teaches the optical service agent of claims 1, 13, 24 wherein the optical communication network comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI (column 30, lines 19-32).

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As per claims 3, 15 and 26 Sistanizadeh teaches the optical service agent of claims 1, 13 and 24 wherein the optical service logic comprises:

bandwidth monitoring logic for monitoring bandwidth utilization on a connection (column 17, lines 45-67; column 15, lines 18-35; column 19, lines 21-35).

As per claims 4, 16, and 27, Sistanizadeh teaches the optical service agent of claims 1, 13, and 24, wherein the optical service logic comprises:

bandwidth controlling logic for controlling bandwidth utilization on a connection (column 15, lines 20-55).

As per claims 5, 17 and 28 Sistanizadeh teaches the optical service agent of claims 1, 13 and 24, wherein the optical service logic comprises:

bandwidth obtaining logic for obtaining additional bandwidth for a connection (column 11, lines 34-67; column 19, lines 1-20; column 21, lines 45-67; column 22, lines 15-27).

As per claims 6, 18 and 29, Sistanizadeh teaches the optical service agent of claims 1, 13, and 24, wherein the optical service logic comprises:

bandwidth relinquishing logic for relinquishing excess bandwidth for a connection (column 11, lines 34-67; column 19, lines 1-20; column 21, lines 45-67; column 22, lines 15-27).

As per claims 7, 19 and 30 Sistanizadeh teaches the optical service agent of claims 1, 13 and 24, wherein the optical service logic comprises:

bandwidth allocation logic for allocating bandwidth among multiple connections (column 11, lines 34-67; column 19, lines 1-20; column 21, lines 45-67; column 22, lines 15-27).

As per claims 8, 20 and 32 Sistanizadeh teaches the optical service agent of claims 4, 16 and 31 wherein the bandwidth controlling logic is operably coupled to prevent bandwidth utilization on the connection from exceeding a predetermined maximum bandwidth utilization (column 15, lines 20-55).

As per claims 9, 21 and 34, Sistanizadeh teaches the optical service agent of claims 5, 17 and 31 wherein the bandwidth obtaining logic is operably coupled to obtain the additional bandwidth for the connection upon determining that bandwidth utilization on connection exceeds a predetermined level (column 15, lines 18-35; column 17, lines 45-67; column 19, lines 21-35).

As per claims 10, 22 and 35, Sistanizadeh teaches the optical service agent of claims 6, 18 and 31 wherein the bandwidth relinquishing logic is operably coupled to relinquish excess bandwidth for the connection upon determining that bandwidth utilization on the connection is below a predetermined level (column 15, lines 20-55; column 11, lines 34-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27).

As per claims 11, 23 and 36 Sistanizadeh teaches the optical service agent of claims 7, 19 and 31 wherein the bandwidth allocation logic is operably coupled to identify an over-utilized connection and an under-utilized connection and to transfer traffic from the over-utilized

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connection to the under-utilized connection (column 15, lines 20-55; column 11, lines 34-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27).

As per claim 33, Sistanizadeh teaches the method of claim 32 wherein taking an action to prevent the bandwidth utilization from exceeding a predetermined maximum bandwidth utilization comprises dropping packets (column 15, lines 20-55; column 11, lines 34-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27).

Response to Arguments

Applicant's arguments with respect to claims 1-12, 14-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam
Ua
August 2, 2006


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100